

REMARKS/ARGUMENTS

In the claims, Claims 1-34 are pending in the above-referenced application. No amendments to the claims are made in this response.

5 Claims 1-3 and 5-34 were rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by Banga et al "Optimistic Deltas for WWW Latency Reduction," in Proc. 1997 SENIX Technical Conf., pp. 289-303, Anaheim, CA January, 1997. Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Banga in view of Sutcliffe (U.S. Pat. No. 6,253,216).

10 The Applicant traverses these rejections and offers the following comments in response.

In the response of December 10, 2003 the Applicant pointed out many aspects of Claims 1-21 that did not appear to be in the teachings of Banga, and made numerous requests that the Examiner specifically point out such teachings or allow the claims.

15 However, the Examiner's comments in the current office action regarding these claims appear not to address these aspects nor do they provide citations to any such teachings. Instead, the Examiner's comments appear to be merely a cut-and-paste rendition of those remarks made in the first office action, and rebutted in the response of December 10, 2003. The Applicant has not, therefore, been provided with further information with
20 which to understand the Examiner's rejections. On this basis, the Applicant requests removal of the finality of the response and requests that the Examiner respond to the arguments previously submitted and properly consider or allow the claims.

Further, in the response of December 10, 2003 the Applicant submitted new Claims 22-34 including numerous substantive differences relative to original Claims 1-

21. Other than stating that these claims are “rejected under the same rationale set forth above to [a previous claim],” with the exception of one sentence, the Examiner does not appear to address any of the substantive differences between the thirteen new claims and those previously considered. The exception is a sentence on page 5 of the final office action that states “Regarding Claims 31-32, Banga further teaches wherein the delta page information is embedded in the received new page and is received before the new page [see Pages 295-296].” The Applicant is unable to find any such teaching within the cited text and requests further clarification from the Examiner. The Applicant also notes that to suggest that Banga teaches “the delta page information is embedded in the received new page and is received before the new page” is *per se* contradictory. It is not clear to the Applicant how the delta information could be both embedded in a new page and received before the page in which it is embedded. These features of the invention are completely at odds with the reactive system of Banga and contrary to Banga’s entire purpose as similarly explained in Applicant’s response of December 10, 2003.

On the basis that the new Claims 22-34 have not been fully considered, the Applicant requests removal of the finality of the office action, and requests that the Examiner specifically address all limitations of Claims 22-34, or allow these claims.

CONCLUSION

Based on the above remarks, Applicant respectfully submits that all pending claims are in condition for allowance. Thus, the claims of the present application are believed to be allowable based on Applicant's above and previous remarks. Therefore, the Applicant submits that the application is in condition for allowance, and respectfully request the issuance of a Notice of Allowability.

If the Examiner has any questions or would like to discuss this case, he is invited to contact the Applicants' undersigned representative at the number given below.

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Respectfully submitted,

Marc S. Casalaina

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By: 

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